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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,832	09/23/2003	Larry A. Christensen	P06486US1	4988
34082	7590	11/04/2004	EXAMINER	
ZARLEY LAW FIRM P.L.C. CAPITAL SQUARE 400 LOCUST, SUITE 200 DES MOINES, IA 50309-2350			GREEN, BRIAN	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/668,832

Applicant(s)

CHRISTENSEN, LARRY A. 

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Priority***

On page 1, lines 5-6, referring to the application as a continuation of a provisional application is improper. A suggested correction is "This application claims the benefit of U.S. Provisional Application No. 60/416,906, filed October 8, 2002."

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the envelope defined in claim 10 (assuming the applicant means a traditional type of envelope) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

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and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 1-4 are objected to because of the following informalities: In claim 1, lines 4-5 and 7-8, and claim 2, line 1, "the positively feelings" should apparently be "the positive feeling" in order to be consistent with line 1. In claim 1, line 5, "the recipient" should be "a recipient" since there is no antecedent basis for "the recipient". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, "such as love" is indefinite since the metes and bounds of the claim can not be determined. In claim 1, line 3, "such as a package" is indefinite since the metes and bounds of the claim can not be determined. In claim 5, line 5, there is no antecedent basis for "the good feelings". In claims 6-8 and 10, line 1, there is no antecedent basis for "The device".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ledman et al. (U.S. Patent No. 4,194,629) in view of Kough (U.S. Patent No. 5,568,695).

Ledman et al. shows in figures 1-2 a package (11,12) that includes a note (15) having indicia thereon. Ledman et al. does not specifically state whether the note is placed on the package and the specific message placed on the note defined in claims 1 and 5. Kough shows in figure 10 the idea of placing a note (60) on a package (44). In view of the teachings of Kough it would have been obvious to one in the art to modify Ledman et al. by placing the note directly on the package since this would make it clear that the note belongs with the package, would help to prevent the note and package from being separated, and would allow the message on the note to be clearly seen. Ledman et al. does not disclose the specific message (request that the package remain unopened) defined by the applicant in claims 1 and 5. It would have been an obvious to one in the art to modify Ledman et al. by varying the message on the note since it is considered obvious to place any message on the note as desired, i.e. the particular indicia placed onto the note is not considered to be a patentable feature. In regard to claim 2, the feeling of love is identified in the note of Ledman et al. In regard to claims 3 and 7, it is considered obvious to place any message as desired on the note, i.e. the particular indicia placed onto the note is not considered to be a patentable feature. In regard to claims 4 and 9, Ledman et al. does not disclose placing wrapping paper around the package. Kough shows in figure 10 the idea of placing wrapping paper (42) around a package (44). In view of the teachings of Kough it would have been obvious to one in the art to modify Ledman et al. by placing wrapping paper around the package since this would allow the package to be given to a recipient as a gift in a more aesthetically pleasing and surprising manner. In regard to claim 6, Ledman et al. shows in figure 1 that the package is a closed package. In regard to claim 8, as broadly defined, the package of Ledman et al. is considered to be a "gift-style container". In regard to claim 10, as broadly

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defined, the package of Ledman et al. is considered to be envelope since it is something that envelops, see Webster's II New Riverside Dictionary which defines envelope as something that envelops.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Perry and Savage teach the use of prewrapped boxes. Stone and Cole teach the use of boxes that include a card attached thereto.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
Nov. 1, 2004